

**Remarks**

Claims 15-30 were pending in the application. Claims 15-30 were rejected. Claim 15 is amended. Claim 16 is canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 15 and 17-30 are now pending. Claim 15 is the independent claim. Reconsideration of the amended application is respectfully requested.

The examiner rejected claim 22 under 35 USC §112 as failing to comply with the written description requirement. The written description is amended to add the following paragraph:

The gym work-out equipment includes an electronic switchboard that is adapted to store in memory data representing arm positions chosen by the athlete according to the type of exercises to be done, and to lift and position the arms during a later exercise session according to the stored data.

This new paragraph adds no new matter to the application. Support for this addition can be found in the application as originally filed, in claim 8, which is part of the specification as filed. Claim 8 read as follows:

8. *Gym work-out equipment for the training of the chest, deltoids, trapeziums and triceps muscles, as claimed in previous claims, characterized to having the possibility to apply an electronic switchboard to the commands of servomechanisms, that are able to memorize the different positions chosen by the athlete according to the type of exercises to be done.*

The original specification, on page 2 at line 19 through page 3 at line 7, describes that the equipment includes an assist mobile system of arms (servomechanisms) used to hold the

weights. On page 3, at lines 8-11, it is stated that activation of commands can move the servomechanisms. In the passage beginning on page 3, at line 22, it is described that an electronic switchboard can memorize the different exercise positions to be applied to the servomechanism commands. This makes it clear that exercise positions, stored in memory, can be applied to the servomechanism commands, which in turn can be moved while holding the weights. This, in conjunction with the support of the original language of claim 8, supports the addition of the text into the written description by this Amendment, which in turn supports the language of claim 22. The rejection of claim 22, therefore, should be withdrawn.

The examiner rejected claims 15- 21 and 23-30 under 35 USC §103(a) as being unpatentable over Rodriguez '602, in view of Rodriguez '520.

Independent claim 15 is amended to explicitly recite the features of claim 16, which is canceled. As amended, claim 15 recites gym work-out equipment for the training of the chest, deltoids, trapeziums and triceps muscles. The equipment includes a moveable bench and an assist system. The moveable bench includes a back-rest that allows an athlete to do exercises with the back-rest in a horizontal position for stretching and pectoral crosses, a slanted position for pectoral crosses, and an up-right position for deltoids and stretching with dumb-bells for triceps. The assist system includes servomechanism arms adapted to hold weights, a mechanical, hydraulic, electrical or pneumatic lift system adapted to lift the arms, and a command device that controls the assist system when activated through the use of rods, pedals, switches or push buttons. The arms are adapted to lift the weights held by the arms under control of the command device, to assist the athlete without requiring the athlete to get

up from or change the position of the bench. The arms are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete

In contrast, Rodriguez '602 discloses a system for raising weights that includes a bench that is not movable and that has a backrest that can only be oriented in a horizontal position. The Rodriguez '602 system provides automatic spotting for a weightlifter, and utilizes three different actuators to enable safe spotting in a variety of workouts. One of the actuating mechanisms provides for raising of the weights in response to pressure from the weight bar on the chest of the lifter. See column 6, lines 28-37. Thus, it is not only the case that Rodriguez '602 does not disclose a bench with a backrest that can only be oriented in a horizontal position; the Rodriguez '602 system would not function as intended by the inventor if it were possible to position the backrest in a slanted position or an upright position. Arranging the backrest in either of these positions would change the orientation of the chest actuator with respect to the rest of the system, requiring modifications to the system not contemplated in the reference. Such modifications would necessarily include placement of and mode of operation of the actuator. It is clear that, although the Rodriguez '602 system was meant for use with respect to a variety of workouts, those workouts are limited only to those exercises in which the weightlifter is supine. Operation of the system as intended when the weightlifter is in a slanted position or is upright was not contemplated nor is it possible.

Further, Rodriguez '520 does not overcome this deficiency of Rodriguez '602. That is, Rodriguez '520 does not disclose or suggest a moveable bench that includes a back-rest that allows an athlete to do exercises with the back-rest in a horizontal position for stretching and pectoral crosses, a slanted position for pectoral crosses, and an up-right position for deltoids and stretching with dumb-bells for triceps, as recited in claim 15. Like Rodriguez

‘602, Rodriguez ‘520 only discloses a stationary bench with a backrest that only provides for exercises in which the weightlifter is supine. The examiner stated that Rodriguez ‘520 discloses, at column 2, lines 49-56, that exercises such as an incline bench press can be performed using the disclosed bench. However, Rodriguez ‘520 does not disclose that this is made possible through the provision of an adjustable backrest. It is well known to those of skill in the art that exercises requiring particular orientations of the body with respect to the direction of movement of the weights being lifted can be effectuated by controlling the motion of the weight bar, rather than by varying the orientation of the backrest. Rodriguez ‘520 describes a spotting system in which the weight bar is moved under control of the system, and therefore simulation of an incline press can be provided without repositioning of the backrest.

In any case, as noted above, the Rodriguez ‘602 system would not work as intended if the weightlifter were allowed to perform exercises in a slanted position or an upright position. Thus, even if Rodriguez ‘520 were to disclose a positionable backrest, it would be improper to attempt to provide this feature to the system of Rodriguez ‘602, as that would render that system non-functional according to the intentions of the inventor. It is submitted that one of skill in the art, given the teachings of Rodriguez ‘602, would not add the feature of a vertically-positionable backrest, regardless of whether such a teaching was found anywhere in the prior art, as that teaching would be inapplicable to the Rodriguez ‘602 system.

Further, claim 15 recites that the arms are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete. Both Rodriguez ‘602 and Rodriguez ‘520 disclose weight spotting systems, that is, systems that are designed to relieve a lifter from the pressure of the weight in the event of a mishap, such as when a weight falls

on the lifter's body because the lifter cannot lift the weight according to the exercise he or she was performing. See Rodriguez '602 at column 1, lines 44-50 and Rodriguez '520 at column 1, lines 37-40. Neither reference discloses or suggests gym work-out equipment having arms that are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete. Neither cited reference discloses a system that is able to assist a lifter with respect to the exercise he or she is about to perform, as recited in claim 15.

For at least the reasons stated above, it is submitted that no combination of the teachings of Rodriguez '602 and Rodriguez '520 could render obvious the invention as recited in claim 15. Claims 17-21 and 23-30 depend from claim 15, and therefore also are not rendered obvious by the cited references, for the reasons stated above, as well as because of the additional features recited therein.

For example, claims 26-28 and 30 also recite aspects of the claimed system relating to the assistance of an athlete who is preparing to perform an exercise. As noted above, both Rodriguez '602 and Rodriguez '520 disclose weight spotting systems, and are not even capable of assisting an athlete prior to performance of a weight-lifting exercise. Neither reference discloses or suggests this ability, and both describe systems that can only assist an athlete who is experiencing difficulty in completing an exercise.

Further, claim 25 recites that the side panels include advertising material. Neither of the cited references discloses or suggests the inclusion of such advertising material. The examiner suggested a surface on which the advertising material could be displayed, but such display is not even hinted at in the references, and such advertising material could only be envisioned on these surfaces through the use of hindsight after having read the present claims.

For at least the reasons noted above, the rejection of claims 15, 17-21, and 23-30 should be withdrawn.

The examiner rejected claim 22 under 35 USC §103(a) as being unpatentable over Rodriguez '602, in view of Rodriguez '520, and further in view of Slattery.

Claim 22 depends from claim 15 and recites that the gym work-out equipment also includes an electronic switchboard that is adapted to store in memory data representing arm positions chosen by the athlete according to the type of exercises to be done, and to lift and position the arms during a later exercise session according to the stored data. Thus, claim 22, recites positioning of the servomechanism arms into positions stored in memory after selection by the athlete, to assist with exercises to be performed by the athlete.

As discussed above, the Rodriguez references disclose systems for performing a spotting function for weightlifters, that is, to assist weightlifters who have already begun an exercise and are unable to complete the exercise under their own power, as a safety feature. Likewise, Slattery discloses a spotting system, that is, a computer-controlled device that assists weightlifters when they are unable to complete an exercise due to fatigue or any other reason. The Slattery system does not provide assistance to an athlete who is about to perform an exercise. Thus, none of the cited references discloses or suggests arms that are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete. The claimed invention assists an athlete to prepare for an exercise that is to be performed. In contrast, all of the cited references provide assistance only after a weightlifter has begun an exercise, and only if the weightlifter cannot complete the exercise under his or her own power. None of the inventions described in the cited references provides or is able to provide assistance to an athlete prior to commencement of the exercise.

For at least the reasons stated above, it is submitted that no combination of the teachings of Rodriguez '602, Rodriguez '520, and Slattery could render obvious the invention as recited in claim 22. The rejection of claim 22, therefore, should be withdrawn.

It is submitted that all rejections have been overcome. It is therefore requested that the Amendment be entered, the claims allowed, and the case passed to issue.

Respectfully submitted,



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Date

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Thomas M. Champagne  
Registration No. 36,478  
Customer No. 49691  
828.253.8600  
828.253.8620 fax